SUPREME COURT MINUTES WEDNESDAY, AUGUST 20, 2003 SAN FRANCISCO, CALIFORNIA

S100359

G027381 Fourth Appellate District, Division Three L. (ROBERT) v. S.C. (PEOPLE) Rehearing denied

Opinion modified. The modification does not affect the judgment.

Kennard, J., is of the opinion the petition should be granted.

Baxter, J., was absent and did not participate.

S109573

D035486 Fourth Appellate District, Division One McMEANS v. SCRIPPS HEALTH Order filed: holding for new lead case

> Review was granted in this matter on November 26, 2002, and briefing ordered deferred pending disposition of the appeal in *Olszewski v. Scripps Health* which was filed on June 2, 2003, and which is now final (30 Cal.4th 798.)

The court has now determined that briefing and further action in the above-entitled case shall be deferred pending disposition of the appeal in *Parnell v. Adventist Health System/West* (S114888).

Baxter, J., was absent and did not participate.

S114888

F038004 Fifth Appellate District

PARNELL v. ADVENTIST HEALTH SYSTEM/WEST Briefing ordered in previously held case

Review was granted in this matter on June 11, 2003, and briefing ordered deferred pending disposition of the appeal in *Olszewski v. Scripps Health* which was filed on June 2, 2003, and is now final (30 Cal.4th 798.)

Respondents are now directed to file, within 30 days of the filing of this order, an opening brief on the merits. Within 30 days of the filing of that brief, appellant shall file an answer brief. Within 20 days of the filing of that brief, respondents may file a reply brief to appellant's answer.

B156613 Second Appellate District, Division Three

BUSTAMONTE v. FLORES

Review granted on court's motion; briefing deferred

Review of the Court of Appeal decision in this matter is granted on the court's own motion. (Cal. Rules of Court, rule 28.2(d).)

Further action in this matter is deferred pending consideration and disposition of a related issue in *Fitch v. Select Products* (S116223) (See Cal. Rules of Court, rule 28.2 (c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of this court.

Votes: George, C.J., Kennard, Werdegar, Chin, Brown, Moreno, JJ.
Baxter, J., was absent and did not participate.

S117248

G029261 Fourth Appellate District, Division Three ANAHEIM, CITY OF v. PACIFIC BELL CO. Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People ex rel. Orloff v. Pacific Bell* (S099131) (See Cal. Rules of Court, rule 28.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Chin, Brown and Moreno, JJ.
Baxter, J., was absent and did not participate.

S117634

B160120 Second Appellate District, Division Two K. (M.) v. SMITH Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *Mulder v. Pilot Air Freight et al.*, S105483 (see Cal. Rules of Court, rule 28.2 (c), or pending further order of the court. Submission of additional briefing, pursuant to

California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Werdegar, Chin, Brown and Moreno, JJ.
Baxter, J., was absent and did not participate.

S108172

B159332 Second Appellate District, Division Five PEOPLE v. S.C. (FEATHER)
Transferred to CA 2/5 after hold

with directions to vacate its decision and to reconsider the cause in light of *In re Varnell* (2003) 30 Cal.4th 1132.

Votes: George, C.J., Kennard, Werdegar, Chin, Brown and Moreno, JJ.
Baxter, J., was absent and did not participate.

S116328

B159233 Second Appellate District, Division One TEC WORLDWIDE INC. v. DICKER

Petition for review & publication request denied

Baxter, J., was absent and did not participate.

S116342

B148501 Second Appellate District, Division Three LSO, LTD. v. STROH

Petition for review & publication request denied

Baxter, J., was absent and did not participate.

S116366

B166105 Second Appellate District, Division Two ANGELES)

Petition for review denied

Request for judicial notice granted. Baxter, J., was absent and did not participate.

DILLINGHAM-RAY WILSON v. S.C. (CITY OF LOS

S116428

A099309 First Appellate District, Division Five SAN MARTIN v. ANTIOCH SCHOOLS FEDERAL CREDIT UNION

Petition for review denied

DESAIGOUDAR v. MEYERCORD

H023911 Sixth Appellate District

Petition for review denied

Baxter, J., was absent and did not participate.

S116535

OAKLAND v. W.C.A.B. (GEDDINS) A102220 First Appellate District,

Division One

Petition for review denied

Baxter, J., was absent and did not participate.

S116571

B152156 Second Appellate District,

Division Two

BENETIC FINANCIAL v. WEDGWOOD

RETIREMENT INNS INC.

Petition for review denied

Baxter, J., was absent and did not participate.

S116658

D039275 Fourth Appellate District,

Division One

SOUTHERN CALIFORNIA UNDERGROUND CONTRACTORS, INC. v. CITY OF SAN DIEGO

Petition for review denied

Baxter, J., was absent and did not participate.

S116690

A102588 First Appellate District,

Division Five

RCC FACILITY v. S.C. (STATE COMPENSATION

INSURANCE FUND) Petition for review denied

Baxter, J., was absent and did not participate.

S116786

C043627 Third Appellate District

FRANCHISE TAX BOARD v. HYATT

Petition for review denied

Baxter, J., was absent and did not participate.

S116860

B155262 Second Appellate District,

B161907 Division Three

PEOPLE v. JACKSON

Petition for review denied

S116862 PEOPLE v. REED

B155966 Second Appellate District, Petitions for review denied

Division Eight

Baxter, J., was absent and did not participate.

S116888 I. (J.), IN RE

H025059 Sixth Appellate District Petition for review denied

Baxter, J., was absent and did not participate.

S116926 MATTHEWS v. C.P.U.C.

Petition for writ of review denied

Baxter, J., was absent and did not participate.

S116972 PEOPLE v. BURGER

C040383 Third Appellate District Petition for review denied

Baxter, J., was absent and did not participate.

S117036 PEOPLE v. ALCALA

A092716 First Appellate District, Petition for review denied Division Three

Baxter, J., was absent and did not participate.

S117120 PEOPLE v. WILLIAMS

A094710 First Appellate District, Petition for review denied Division Five

Baxter, J., was absent and did not participate.

S117151 PEOPLE v. CHAPARRO

B151898 Second Appellate District, Petition for review denied Division Three

Baxter, J., was absent and did not participate.

S117181 PEOPLE v. ELLIS

C041215 Third Appellate District Petition for review denied

	First Appellate District, Division Two	FERNANDEZ v. COUNTY OF SOLANO Petition for review denied Baxter, J., was absent and did not participate.		
S117211 A095534	First Appellate District, Division Four	PEOPLE v. ORTIZ Petition for review denied Baxter, J., was absent and did not participate.		
S117238 B167562	Second Appellate District, Division Two	HOLLEY v. S.C.L.A. (MCA) Petition for review and application for stay denied Baxter, J., was absent and did not participate.		
S117242 D039672	Fourth Appellate District, Division One	PEOPLE v. ROSS Petition for review denied Baxter, J., was absent and did not participate.		
S117300 C040668	Third Appellate District	PEOPLE v. BARRETT Petition for review denied Baxter, J., was absent and did not participate.		
S117317 B167871	Second Appellate District, Division Three	THE FIRM INC. v. S.C. (WEINER) Petition for review denied Baxter, J., was absent and did not participate.		
S117345 C040442	Third Appellate District	PEOPLE v. MORALES Petition for review denied Baxter, J., was absent and did not participate.		
	First Appellate District, Division Five	F. (JEFFREY), IN RE Petitions for review denied		

S117415 H023092 Sixth Appellate District	PEOPLE v. BRACEY Petition for review denied		
	Baxter, J., was absent and did not participate.		
S117431 B158833 Second Appellate District, Division Two	PEOPLE v. HAMPEL Petition for review denied Baxter, J., was absent and did not participate.		
S117440 A102572 First Appellate District, Division One	WESTLAKE DEVELOPMENT CO. v. SHAW INC. Petition for review denied Baxter, J., was absent and did not participate.		
S117447 C042880 Third Appellate District	B., (SEANDREA), IN RE Petition for review denied Baxter, J., was absent and did not participate.		
S117451 F041751 Fifth Appellate District	A., (JAMES) IN RE Petition for review denied Baxter, J., was absent and did not participate.		
S117455 F042006 Fifth Appellate District	A. (JAMES), IN RE Petition for review denied Baxter, J., was absent and did not participate.		
S117462 E030622 Fourth Appellate District, Division Two	PEOPLE v. CRAWFORD Petition for review denied Baxter, J., was absent and did not participate.		
S117468 E032510 Fourth Appellate District, Division Two	SUN WORLD INTERNATIONAL INC. v. LARSON Petition for review denied Baxter, J., was absent and did not participate.		

S117470
A094835 First Appellate District, Division Two

PEOPLE v. COOK
Petition for review denied

Baxter, J., was absent and did not participate.

S117477

A099176 First Appellate District,
Division Five

PEOPLE v. THOMSON
Petition for review denied

Baxter, J., was absent and did not participate.

S117478 ELDRIDGE v. S.C. (PEOPLE) H025967 Sixth Appellate District Petition for review denied

Baxter, J., was absent and did not participate.

S117481 PEOPLE v. CERVANTES
B158299 Second Appellate District,
Division Six
PEOPLE v. CERVANTES
Petition for review denied

Baxter, J., was absent and did not participate.

S117490 PEOPLE v. GONZALEZ
B157001 Second Appellate District, Division Three

Baxter, J., was absent and did not participate.

S117493 PEOPLE v. MALO
B158237 Second Appellate District,
Division Six
PEOPLE v. MALO
Petition for review denied

Baxter, J., was absent and did not participate.

S117498 LIA v. DOMAINE MUMM, INC. B157434 Second Appellate District, Petition for review denied

Baxter, J., was absent and did not participate.

S117499 PEOPLE v. LOPEZ
G028216 Fourth Appellate District,
Division Three Petition for review denied

Division Five

Division Two

S117500 PEOPLE v. WALKER A092693 First Appellate District, Petition for review denied

Baxter, J., was absent and did not participate.

S117505 PEOPLE v. SEPULVEDA
B159298 Second Appellate District, Petition for review denied

Division Five

S117506 PEOPLE v. VELASCO F040120 Fifth Appellate District Petition for review denied

Baxter, J., was absent and did not participate.

S117515 PEOPLE v. OCASIO
C040562 Third Appellate District Petition for review denied

Baxter, J., was absent and did not participate.

Baxter, J., was absent and did not participate.

S117523 A. (HECTOR), IN RE F042005 Fifth Appellate District Petition for review denied

Baxter, J., was absent and did not participate.

S117526 WARFEL v. EWBANK H025319 Sixth Appellate District Petition for review denied

Baxter, J., was absent and did not participate.

S117533 PEOPLE v. MONTES
D039482 Fourth Appellate District, Petition for review denied

Division One

Baxter, J., was absent and did not participate.

S117535 LOSHONKOHL v. KINDER D039267 Fourth Appellate District, Petition for review denied

Division One

Werdegar, J., is of the opinion the petition

should be granted.
Baxter, J., was absent and did not participate.

S117536 MARTINEZ v. W.C.A.B. B166333 Second Appellate District, Petition for review denied

> **Division Six** Baxter, J., was absent and did not participate.

> > Baxter, J., was absent and did not participate.

CITY OF OXNARD v. W.C.A.B. S117544

Petition for review denied B163038 Second Appellate District,

Division Six

PEOPLE v. GERWALD S117569 G028870 Fourth Appellate District, Petition for review denied

G029700 Division Three

Baxter, J., was absent and did not participate.

ANDREWS v. S.C. (DIV. OF MEDICAL QUALITY) S117571

C044209 Third Appellate District Petition for review denied

Baxter, J., was absent and did not participate.

PEOPLE v. ORSBURN S117572

F040440 Fifth Appellate District Petition for review denied

Baxter, J., was absent and did not participate.

S117574 PEOPLE v. MORENO

G029875 Fourth Appellate District, Petition for review denied Division Three

Baxter, J., was absent and did not participate.

S117580

G. (STEVEN), IN RE Petition for review denied H024580 Sixth Appellate District

Division Five

Baxter, J., was absent and did not participate.

S117586 TESE NATURAL HEALTH GRP. INC. v. WANG B158804 Second Appellate District, Petition for review denied

S117587 PEOPLE v. BEAVERS B156734 Second Appellate District, Petition for review denied Division Seven Baxter, J., was absent and did not participate. PEOPLE v. DERIAN S117606 G030749 Fourth Appellate District, Petition for review denied **Division Three** Baxter, J., was absent and did not participate. PEOPLE v. CHAMBERS S117608 H024208 Sixth Appellate District Petition for review denied Baxter, J., was absent and did not participate. S117610 BAROCO WEST INC. v. SCOTTSDALE INS. CO. E032011 Fourth Appellate District, Petition for review denied Division Two Baxter, J., was absent and did not participate. BELLOWS v. POMPLUN S117620 H023176 Sixth Appellate District Petition for review denied Baxter, J., was absent and did not participate. S117624 MCLAUGHLIN v. SANTA MONICA Petition for review denied B156707 Second Appellate District, **Division Eight** Baxter, J., was absent and did not participate. S117633 CONTRERAS v. CHILDREN'S HOSPITAL B156810 Second Appellate District, Petition for review denied Division Two Baxter, J., was absent and did not participate. S117638 ANAHEIM v. UNION G028913 Fourth Appellate District, Petition for review denied Division Three

S117829 JUSTICE, ESTATE OF

D042049 Fourth Appellate District, Petition for review and application for stay denied

Division One

Baxter, J., was absent and did not participate.

S117903 SCHLAEFLI v. S.C. (PEOPLE)

B168490 Second Appellate District, Petition for review and application for stay denied

Division Five

Baxter, J., was absent and did not participate.

S118111 ROGERS v. GOVERNING BOARD SACTO. U.S.D.

C044449 Third Appellate District Petition for review and application for stay denied

Brown, J., is of the opinion the petition should

be granted.

Baxter, J., was absent and did not participate.

S118274 JUSTICE v. S.C. (PEOPLE)

Petition for writ of mandate & stay denied

Baxter, J., was absent and did not participate.

1359

S110859 BALBO (JOHN MICHAEL) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Baxter, J., was absent and did not participate.

S111978 BAUMER (WILLIAM) ON H.C.

Petition for writ of habeas corpus denied

Baxter, J., was absent and did not participate.

S112026 PRATT (CARNELL U.) ON H.C.

Petition for writ of habeas corpus denied

Baxter, J., was absent and did not participate.

S112056 WALKER (GARY) ON H.C.

Petition for writ of habeas corpus denied

S112094 TRAN (HOA VAN) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Baxter, J., was absent and did not participate.

S112102 DAVIS (MAURICE) ON H.C.

Petition for writ of habeas corpus denied

Brown, J., was recused and did not participate. Baxter, J., was absent and did not participate.

S112114 TABAREZ (GREGORY) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Baxter, J., was absent and did not participate.

S112198 WARNS (HOWARD J.) ON H.C.

Petition for writ of habeas corpus denied

Baxter, J., was absent and did not participate.

S112248 VAN PELZ (RAYMOND) ON H.C.

Petition for writ of habeas corpus denied

Baxter, J., was absent and did not participate.

S112280 PINA (JERMAINE TERRELL) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Baxter, J., was absent and did not participate.

S112315 JONES (TYRONE) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Baxter, J., was absent and did not participate.

S112379 GRIMES (GERALD R.) ON H.C.

Petition for writ of habeas corpus denied

S112383 ANGELEL (LAWRENCE A.) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Baxter, J., was absent and did not participate.

S112385 WALKER (THOMAS LEE) ON H.C.

Petition for writ of habeas corpus denied

Baxter, J., was absent and did not participate.

S112462 GALLOWAY (EDDIE LEE) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Baxter, J., was absent and did not participate.

S112478 MILLER (GARY P.) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Baxter, J., was absent and did not participate.

S112485 HUNTER (DANNEZ) ON H.C.

Petition for writ of habeas corpus denied

Baxter, J., was absent and did not participate.

S112732 MEADOWS (FRANK E.) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Baxter, J., was absent and did not participate.

S112875 SEVIER (JEFFREY) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Baxter, J., was absent and did not participate.

S112876 LARA (PEDRO) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

S112877 HOPSON (SHANNON R.) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Baxter, J., was absent and did not participate.

S112944 JEWELEEN (STEVEN) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Baxter, J., was absent and did not participate.

S112945 GONZAGA (MICHAEL L.) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Baxter, J., was absent and did not participate.

S112947 VICTORY (MARK G.) ON H.C.

Petition for writ of habeas corpus denied

Baxter, J., was absent and did not participate.

S112949 FIELD (JOHN) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Baxter, J., was absent and did not participate.

S112956 CYPRIAN (ALPHONSO J.) ON H.C.

Petition for writ of habeas corpus denied

Baxter, J., was absent and did not participate.

S113059 JOHNSON (ANTHONY J.) ON H.C.

Petition for writ of habeas corpus denied

Baxter, J., was absent and did not participate.

S115062 PRUITT (ALVIN) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

S115071 WHITFIELD (STEPHEN M.) ON H.C.

Petition for writ of habeas corpus denied

Baxter, J., was absent and did not participate.

S115127 WHITFIELD (STEPHEN M.) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Brown, J., was recused and did not participate. Baxter, J., was absent and did not participate.

S116226 PRUITT (ALVIN) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Baxter, J., was absent and did not participate.

S116379 WHITFIELD (STEPHEN M.) ON H.C.

Petition for writ of habeas corpus denied

Baxter, J., was absent and did not participate.

S117006 PERRELL (MARTIN B.) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Baxter, J., was absent and did not participate.

S117717 PERRELL (MARTIN B.) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Baxter, J., was absent and did not participate.

S117781 LYONS (DARYL) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Baxter, J., was absent and did not participate.

S117827 SPIKES (CARTER) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

LYONS (DARYL) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Baxter, J., was absent and did not participate.

S118062

LOTT (THERRON F.) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Baxter, J., was absent and did not participate.

S114520

C032534 Third Appellate District

SANCTITY OF HUMAN LIFE v. C.H.P.

Depublication request denied (case closed)

Baxter, J., was absent and did not participate.

S117213

D041082 Fourth Appellate District, D041411 Division One B. (ERIC), IN RE

Publication request denied (case closed)

Baxter, J., was absent and did not participate.

S117439

B149840 Second Appellate District,

Division Seven

GHANEM v. PRESBYTERIAN INTERCOMMUNITY

Publication request denied (case closed)

Baxter, J., was absent and did not participate.

S117710

C042536 Third Appellate District

K. (A), IN RE

Publication request denied (case closed)

Baxter, J., was absent and did not participate.

S050455

PEOPLE v. BEAMES (JOHN M.)

Extension of time granted

to October 22, 2003 to file respondent's brief. After that date, only one further extension totaling 30 additional days is contemplated. Extension is granted based upon Deputy Attorney General Robert Gezi's representation that he anticipates filing that brief by 10/22/2003.

A096012 First Appellate District,

Division Five

LAMUSGA, MARRIAGE OF

Extension of time granted

to September 19, 2003 to file appellant's response to amicus curiae briefs filed by Leslie E. Shear et al., and Richard A.

Warshak, Ph.D. et al.,

S110639

RUSH (ROBERT) ON H.C.

Extension of time granted

to September 15, 2003 for petitioner to file the reply to the informal response.

S111028

B145982 Second Appellate District,

B154520 Division One

PEOPLE v. WILKINSON

Extension of time granted

to September 2, 2003 for appellant to file a response to the amicus curiae brief of Calif.

District Attorneys Association

S112624

B143162 Second Appellate District,

Division Five

LEWIS JORGE CONSTRUCTION MGMT. INC. v. POMONA UNIFIED SCHOOL DIST.

Extension of time granted

to September 11, 2003 to file respondent's reply

brief on the merits.

S115438

A093759 First Appellate District,

Division Three

PEOPLE v. BARKER

Extension of time granted

to September 8, 2003 for appellant to file the opening brief on the merits. No further extensions of time will be granted.

S054291

PEOPLE v. LEONARD (ERIC)

Record correction granted

Having considered appellant's "Application for Order Directing Superior Court to Correct Errors in Record on Appeal" filed in this court on July 16, 2003, and the related stipulation of

parties filed in this court on August 18, the court now orders as follows:

- 1. The superior court clerk is directed to supply accurate and complete copies of the juror questionnaires in this case to this court and to all persons and entities entitled to copies of the appellate record under rule 35(c) of the California Rules of Court. The clerk must also verify that the previously supplied index is accurate for the new copies of juror questionnaires and, if it is not, must prepare an accurate index and supply it to this court and to all persons and entities entitled to copies of the appellate record under rule 35(c) of the California Rules of Court. The clerk must complete these tasks on or before October 6, 2003.
- 2. Upon receipt of the new copies, the parties must return all juror questionnaires previously supplied to them to the superior court clerk for destruction.
- 3. Either party may bring to the attention of this Court any errors in the new copies of the juror questionnaires or in any new index of those questionnaires.

Baxter, J., was absent and did not participate.

S103781

C033076 Third Appellate District

INTEL CORPORATION v. HAMIDI Motion denied

The "Motion for Award of Entitlement to Attorney's Fees" filed on July 20, 2003, is denied.

Baxter, J., and Chin, J., were recused and did not participate.

S106660

B142999 Second Appellate District, Division Three

SCHIFANDO v. CITY OF LOS ANGELES Orders filed

Permission granted for two counsel to argue on behalf of respondent City of Los Angeles

Permission granted for respondent City of Los Angeles to allocate 10 minutes oral argument time to amicus curiae County of Los Angeles.

PADILLA (ALFREDO A.) ON H.C. Motion denied

The Attorney General's "Motion to Unseal Confidential Funding Requests," filed on June 4, 2003, is denied. (See Cal. Supreme Ct., Policies Regarding Cases Arising From Judgments of Death, policy 3, stds. 2-3, 2-4.)
Baxter, J., was absent and did not participate.

Bar Misc. 4186

IN THE MATTER OF THE APPLICATION OF THE COMMITTEE OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA FOR ADMISSION OF ATTORNEYS

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:
(LIST OF NAMES ATTACHED TO ORIGINAL ORDER)